

**MINUTES**  
**UTAH**  
**PROFESSIONAL COUNSELORS**  
**LICENSING BOARD**  
**MEETING**

**January 16, 2007**

**Room 475 – 4<sup>th</sup> Floor – 9:00 A.M.**  
**Heber Wells Building**

**CONVENED:** 9:14 A.M.

**ADJOURNED:** 2:24 P.M.

**Bureau Manager:**  
**Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Dean Workman  
Russell C. Gaede, Psy.D.  
Gloria Miley

**Board Members Absent:**

Linda S. Protzman  
Vacant Position

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Read and approve the November 7, 2006 Minutes.

Dr. Gaede made a motion to approve the minutes as read. Ms. Miley seconded the motion. **The Board vote was unanimous.**

**APPOINTMENTS:**

**10:00 A.M.**

Ian Joseph Smith, Review Education for Professional Counselor Extern Licensing

Mr. Smith met for the review of his education for Professional Counselor Extern licensing.

Board members and Division staff were introduced to Mr. Smith.

Mr. Smith stated that he has worked for 4 months at Provo Canyon School on the boy's campus.

**Dr. Gaede disclosed that he works at the Provo Canyon School on the girl's campus. Dr. Gaede**

**asked if Mr. Smith would feel comfortable with him being part of the discussion.**

Mr. Smith responded that he would feel comfortable with Dr. Gaede being part of the discussion.

**Ms. Taxin explained that the Extern license is available for individuals who do not meet the education requirements. She stated that the Board and the Division are of the opinion that there are specific core courses that must be taken prior to approving an Extern license as the Division and Board do not want people practicing without enough education to be able to practice safely. Ms. Taxin stated that Mr. Smith's letter and application document that he is deficient in several areas.**

Mr. Smith responded that he understands that Texas and Utah requirements for licensure are very different. He stated that he is planning to take classes at the University of Phoenix in order to complete the courses at his own speed.

**Ms. Taxin asked Mr. Smith why he is applying for the Extern license.**

Mr. Smith responded that he wants to continue working while he completes the education requirements in order to support his family. He stated that he is doing counseling with very close supervision.

**Ms. Taxin stated that it appears Mr. Smith accepted a position in Utah without meeting qualifications for licensing. Ms. Taxin recommended Mr. Smith obtain other employment until the Extern license has been issued as it is unlawful for him to be working as a mental health therapist without a valid license. Ms. Taxin stated that Mr. Smith must stop working as a mental health therapist until he is licensed.**

**The Board reviewed Mr. Smith's education and determined he is deficient in 4 areas.**

**Ms. Taxin asked the Board to consider issuing the**

**Extern license and allowing Mr. Smith to continue his employment at Provo Canyon School or require Mr. Smith to complete a couple of specific courses and then reapply for the Extern license.**

**Dr. Gaede responded that he is not comfortable with recommending issuing the Extern license without identifying courses that really cover the requirements of the Laws and Rules.**

**Ms. Taxin suggested Mr. Smith request Don Beck at the University of Phoenix to evaluate his transcripts and if Mr. Beck determines that Mr. Smith has completed courses that the Board has identified as deficient, the Board will accept Mr. Beck's evaluation.**

**The Board determined Mr. Smith is deficient in the following areas:**

- 1. Deficient 2 semester hours or 3 quarter hours in Ethical Standards and Issues.**
- 2. Deficient 2 semester hours or 3 quarter hours in Professional Roles and Standards.**
- 3. Deficient 6 semester hours or 9 quarter hours in Human Growth and Development.**
- 4. Deficient 6 semester hours or 9 quarter hours in the area of Internship.**

**The Board noted that Mr. Smith's program was 49 semester hours and Utah requires 60 semester hours. The Board determined that Mr. Smith will have met the 11 semester hour deficiency by completing the above courses.**

**Mr. Smith requested the Board to consider accepting the hours he has worked in the last 4 months toward his internship deficiency.**

**Ms. Taxin responded that the hours will not count as Mr. Smith was not enrolled in a formal course for an internship and did not have the Extern license. Ms. Taxin also stated that he is asking for hours to count and he has not submitted a formal verification describing how many hours he has worked, his job duties and if he is a good practitioner as per his supervisors report.**

**Mr. Workman concurred that it would not be appropriate to count hours before issuing the Extern license.**

Mr. Smith stated that he was hoping the Board would issue the Extern license as he has waited 4 months for a decision.

**The Board responded that they will consider and make a motion regarding issuing the Extern license.**

**Mr. Workman recommended that Mr. Smith take an advanced DSM course as the Board was generous in giving him credit in that requirement.**

**Ms. Taxin suggested Mr. Smith review the course requirements with Mr. Beck and request he include an advanced DSM in the internship.**

**Ms. Taxin stated that if the Board recommends the Extern license be issued then Mr. Smith will have 3 years to complete the deficient coursework.**

**Ms. Taxin asked Mr. Smith to discuss the licensing issue with his supervisor at Provo Canyon School and have the supervisor write a letter to Ms. Taxin regarding her understanding that Mr. Smith was not licensed and that in the future, once he is licensed, she will supervise him correctly.**

**Ms. Taxin stated that it is concerning that he has practiced for 4 months without a license. She explained that it could be an issue if there is a complaint.**

**Dr. Gaede made a motion to approve Mr. Smith for the Certified Professional Counselor Extern license. Ms. Miley seconded the motion. The Board vote was unanimous.**

**Ms. Taxin recommended Mr. Smith submit a copy of his license to the Human Resources Department at Provo Canyon School and that Mr. Smith read the Laws and Rules in order to know his responsibilities and the responsibilities of the supervisor.**

**Ms. Taxin requested Dr. Gaede to discuss the issue of unlicensed practice with Provo Canyon School as it has been an issue in the past.**

**10:30 A.M.**

**Robin Brodsky, Review Education for Professional Counselor Extern Licensing**

Ms. Brodsky did not keep her appointment.

**The Board reviewed Ms. Brodsky's transcripts and syllabi and determined the education is deficient in the following areas:**

- 1. Deficient 2 semester hours or 3 quarter hours in the area of Psychopathology and DSM Classification.**
- 2. Deficient 2 semester hours or 3 quarter hours in the area of Dysfunctional Behavior.**
- 3. Deficient 2 semester hours or 3 quarter hours in the area of Advanced Assessment of Mental Status.**
- 4. Deficient 3 semester hours or 4.5 quarter hours in the area of the Practicum.**
- 5. Deficient 6 semester hours or 9 quarter hours in the area of the Internship.**

**The Board recommended Ms. Brodsky's application be denied based on being deficient in core areas.**

**The Board recommended Ms. Brodsky complete the following prior to reapplying for the Extern license:**

- 1. Complete the 2 semester hours or 3 quarter hours in the area of Psychopathology and DSM Classification.**
- 2. Complete the 2 semester hours or 3 quarter hours in the area of Advanced Assessment of Mental Status.**
- 3. Complete the 3 semester hours or 4.5 quarter hours in the area of the Practicum.**

**The Board recommended that courses be taken from any College or University that offers the deficient courses in Professional Counseling rather than completing the deficiencies at a College or University that allows the student to plan their own program.**

**The Board requested Ms. Brodsky be advised that it is unlawful to practice mental health therapy in Utah without a valid license.**

**11:00 A.M.**

Rex Albertson, Review Hours from Colorado to count toward the CPCI Requirement

Mr. Albertson and his supervisor, Dr. Gene Hanson, Psychologist, met with the Board.

Introductions of Board members and Division staff were made.

**Ms. Taxin asked Mr. Albertson if he is asking the Board to consider hours obtained in Colorado to count toward his Utah CPCI supervised hours.**

Mr. Albertson responded that Ms. Taxin is correct. He explained that he completed 2000 hours in Colorado and was licensed there as a Professional Counselor for one year prior to coming to Utah. He stated that he had 3200 hours completed when he moved to a position in Utah that did not require licensure.

**Ms. Taxin explained that hours in Utah will not count toward the required 4000 hours of supervised experience as Mr. Albertson did not meet the education requirements and was issued an Extern license to be able to work while he completes the education requirements. Ms. Taxin stated that the deficient courses were significant courses.**

Mr. Albertson responded that the courses he has taken here were essentially the same courses he took at Europa.

Dr. Hanson stated that he has worked with Mr. Albertson about 6 months. He stated that it is his opinion that Mr. Albertson does not require the level of supervision outlined in the Laws and Rules. He stated that Mr. Albertson is one of the best therapists on his team and is given the more difficult clients to work with.

Mr. Albertson commented that he has letters of recommendation from other clinicians at the center. He submitted the letters for the Board to review.

**Ms. Taxin explained that the Laws and Rules must be followed and the Board and Division need to be sure Mr. Albertson is safe to treat the public.**

**She asked Mr. Albertson to explain his supervision and his philosophy regarding the need for progress notes and when he writes the notes.**

Mr. Albertson explained his supervision and stated that prior to writing notes during a session he always asks the client if they are comfortable with him writing notes during the session. He stated that if the client says they are not comfortable then he writes the notes after the session but completes all notes within a week.

Dr. Hanson remarked that the agency requires all paperwork to be completed within 24 hours after the appointment and Mr. Albertson has been able to meet that requirement.

**Ms. Taxin read the completed supervised forms to the Board. She stated that Mr. Albertson is lacking 800 hours to complete the total 4000 supervised hours with 1000 hours in mental health therapy and 100 hours face to face with his supervisor.**

**Mr. Workman commented that Mr. Albertson was deficient several key courses in meeting Utah's education requirement. He acknowledged that Mr. Albertson was licensed in Colorado and was supervised in Colorado by supervisors who were probably also deficient courses by Utah's standards. He stated that he is familiar with the 3 individuals who wrote recommendations for Mr. Albertson.**

**Ms. Taxin asked the Board if any of the Colorado hours would count toward the experience based on what the supervisor documented. She stated that 2 supervisors were Licensed Professional Counselors and one was a Licensed Clinical Social Worker. Ms. Taxin stated that the hours obtained under the supervisor who was licensed in 2002 and supervised Mr. Albertson from 2003 to 2004 would not count as that supervisor had not been licensed 2 years prior to supervising as required by Utah Law. Ms. Taxin stated that the requirements of the Law must**

**be met but the Board has some digression regarding counting the Colorado hours.**

**Dr. Gaede noted that Mr. Albertson has completed a total of 1280 hours with 490 hours face to face with clients and 70 hours with his supervisor. He stated that that leaves a balance of 2720 total hours, 510 face to face with clients and 30 with the supervisor to complete.**

**Dr. Gaede made a motion to accept 2000 total hours from Colorado based on the supervised hours completed and the year of being licensed in Colorado.**

**Dr. Gaede's motion continued with Mr. Albertson having a balance of 2000 hours to be completed in Utah with 250 hours face to face with clients and weekly supervision, all of which are to be completed in not less than one year from December 21, 2006.**

**Mr. Workman seconded the motion. The Board vote was unanimous.**

Mr. Albertson thanked the Board for their consideration.

**12:00 P.M. to 1:00 P.M.**

**1:00 P.M.**

Scott Curry, Review Education for Professional Counselor Extern Licensing

**LUNCH BREAK**

Mr. Curry met with the Board to review his education for Professional Counselor Extern licensing.

Board members and Division staff were introduced.

Mr. Curry stated that he has been working in the juvenile system for many years and using his degree was not directly necessary but as time has gone on he believes he could use his skills in working with offenders. He also mention that in the next few years he believes the policies may be changing.

**Ms. Taxin explained that Mr. Curry is interested in obtaining and Extern license to be able to work while he completes the deficiencies in the education.**



**Mr. Workman commented that it was too bad Mr. Curry did not apply for licensing upon moving to Utah as the education requirements were not the same as they are now. He stated that one of the issues is that Mr. Curry's education program was fewer hours than the requirement for Utah.**

Mr. Curry stated that he is aware that his education is deficient in the education and would need some courses. He explained that he is a juvenile probation officer and has not been required to have a license. He stated that the agency has made their position very clear in the past in that Mr. Curry may do counseling outside the court position but if anyone comes to him who has been seen in the court system he must refer them to someone else to avoid any conflict of interest but currently they are what .

He stated that he contacted Don Beck at the University of Phoenix and Dr. Beck determined he is deficient in the following areas:

1. Deficient 2 semester hours or 3 quarter hours in the area of Ethical Standards and Issues.
2. Deficient 2 semester hours or 3 quarter hours in the area of Professional Roles and Standards.
3. Deficient 6 semester hours or 9 quarter hours in the area of Human Growth and Development.
4. Deficient 3 semester hours or 4.5 quarter hours in the area of Cultural Foundations.
5. Deficient 2 semester hours or 3 quarter hours in the area of Advanced Assessment of Mental Status.
6. Deficient 16 hours in the area of Other Behavioral Science Courses (electives).

**Mr. Workman stated that he was unable to locate a syllabus for the Psychopathology and DSM Classification. He asked if Mr. Curry had a syllabus for that class.**

Mr. Curry responded that he had requested the syllabus to be sent but has not yet received it.

**Mr. Workman stated that he had questions**

**regarding the Internship and asked if Mr. Curry completed an Internship.**

Mr. Curry responded that the internship was documented as a practicum in his program.

**Ms. Taxin asked if Mr. Curry is requesting the Board to count the 4000 hours of supervised experience for the deficiency in the Internship and accept 4800 hours as a licensed Professional Counselor in Alabama in lieu of the required 4000 hours of supervised experience in Utah for the Professional Counselor licensing.**

Mr. Curry acknowledged that Ms. Taxin summed up his request.

**Ms. Taxin again stated that it was too bad Mr. Curry did not apply for the license when he moved to Utah as the education requirement has changed since that time and he is now required to meet the current education requirements.**

**Ms. Taxin asked Mr. Curry to clarify that he is not required to be licensed for his current employment with the courts.**

Mr. Curry responded that licensure is not a requirement and the courts are adamant that they do not do therapy with the adolescents but they do conduct assessments all the time.

Mr. Curry asked if he will be required to redo the whole internship course given his experience.

**Mr. Workman responded that the coursework plan that Dr. Beck outlined matches well with the review of the Board. He asked for the syllabus for the Psychopathology and DSM Classification course to be sure the DSM is included in the course.**

**Ms. Taxin asked if the Board would accept the hours from the other State as the internship if Mr. Curry enrolled and completed a DSM course and an Advanced Assessment of Mental Status course.**

**Mr. Workman and Dr. Gaede responded that they**

would be comfortable with that proposal.

**Mr. Workman made a motion for Mr. Curry to complete a DSM course and complete 2 semester hours or 3 quarter hours in Advanced Assessment of Mental Status and then apply for the Extern license to be licensed while he completes the additional deficiencies. Mr. Workman's motion included accepting the 4000 hours of supervised experience from Alabama as meeting the requirement of the Internship.**

**It was noted that Mr. Curry will need to complete the 4000 hours of supervised mental health therapy experience after he completes the education and is licensed as a Certified Professional Counselor Intern.**

**Dr. Gaede seconded the motion. The Board vote was unanimous.**

Extern Issue

Ms. Taxin requested the Board to review the Laws and Rules to determine if there is language that can be used in the Rules to better clarify the specific courses that must be taken prior to making application for the Extern license. She stated that she and the Board want to be fair but don't want to give out the extern license to unqualified individuals.

**Mr. Workman commented that there are competent people that have degrees in Psychology and School Counseling. He asked where the line should be drawn.**

Ms. Taxin responded that applications with Psychology degrees are received and when the education is reviewed they do not meet the requirements. She stated that people want some type of license so they can work and support their families until they complete education requirements for Psychology licensing.

She stated that the Division also receives Psychology applications with degrees that do not meet the Psychology course requirements and need to work so they apply for the Professional Counselor Extern license.

Ms. Taxin stated that she has discussed the education issue with the Department of Education and found that most Guidance Counselors, School Counselors and School Psychologists do not meet the education requirements as they are missing the clinical courses for Professional Counselor licensing.

More discussion will be at the next scheduled Board meeting.

### **DISCUSSION ITEMS:**

Change March 20, 2007 Meeting to March 19 or March 21 for a Hearing

Ms. Taxin explained that the Division needs to schedule a Hearing and requested the Board members to review their March schedules.

**The Board determined March 19, 2007 would be the best date if the Hearing commences at 10:00 am.**

Ms. Taxin stated that she will notify Judge Eklund of the available date and time.

FYI

**The Board noted that Craig Jackson has resigned as Division Director and David Stanley has been appointed as Division Director.**

FYI

**The Board noted that Marc Searle has resigned as a Board member.**

Ms. Taxin stated that the Association will be requested to submit recommendations for a new Board member.

Board Chairperson

**Dr. Gaede made a motion for Dean Workman to be chairperson. Ms. Miley seconded the motion. The Board vote was unanimous.**

Mr. Workman accepted the nomination.

Internet Mental Health Therapy

Ms. Taxin explained that Frank Clayton sent a letter requesting the ability to do on-line counseling. Ms. Taxin stated that he wanted the Board to make a decision to confirm that on-line counseling is acceptable for Utah. She explained that Mr. Clayton wants to develop a company and he says there are

people who do not want to come in for traditional counseling.

Ms. Taxin stated that she explained the issues of confidentiality on cell phone, telephones and the website and across State lines. She stated that she informed Mr. Clayton that Utah Laws and Rules do not allow for on-line counseling at this time and it would require a change in the Law to include on-line counseling.

Ms. Taxin stated that the Social Work Board responded that they would not make a decision until they know the perspective of the National organization (ASWB) based on all the issues involved.

**Mr. Workman responded that ACA and AMHCA have already written their opinions regarding on-line counseling. He recommended Ms. Taxin refer Mr. Clayton to both organizations for information.**

Ms. McCall stated that she received a phone call from Mr. Clayton requesting clarification of the Laws and Rules. She stated that he commented that as far as he could tell on-line counseling is not prohibited by the Utah Laws and Rules. Ms. McCall stated that she explained to Mr. Clayton that on-line counseling could not be accepted in Utah without a change in the Law as there are many issues such as confidentiality and State line boundaries. She stated that Mr. Clayton stated that he did not agree but will get back to the Division later.

Ms. Taxin asked Board members if they wanted a copy of Mr. Clayton's letter to review and address the issue again at a later date.

**Board members responded that they did not want the information.**

Ms. Taxin stated that she will have all the mental health therapy Boards review the information.

FYI

Ms. Taxin stated that she would like the Board to review the continuing education requirements for discussion at a later date as questions come in regarding what will count, what does not, how many

internet hours and what type of courses we should accept.

## Custody Evaluations

Ms. Taxin explained that she received a phone call from a Psychologist regarding meeting with her and some Judges to discuss who is qualified by education to conduct custody evaluations. Ms. Taxin stated that it was her understanding that LCSW's, MFT's, Professional Counselor and Psychologists are qualified to conduct custody evaluations if they have the education, experience and training but could not be the evaluator and the therapist.

Ms. Taxin stated that she then received a letter regarding the issue. She read the letter to the Board regarding minimum qualifications are that custody evaluations must be conducted by a licensed Psychologist.

She stated that she contacted MMPI regarding the examination given and they informed her that they will sell the MMPI to anyone with a Masters Counseling Degree.

Ms. Taxin stated that some members of the the Psychology Board and other licensed Psychologists were of the opinion that only the licensed Psychologist could conduct the MMPI for custody evaluations.

She stated that there is nothing in the Law or Rule regarding conducting MMPI testing. The minutes on discussion before I came states that the person must have the education and training.

Ms. Taxin stated that she is confident that the LCSW, MFT and Professional Counselor could not do the psychological evaluation but could do a mental health evaluation.

Ms. Taxin stated that it was her understanding that there was not a final determination made. She stated that she talked with the attorneys and it was made very clear that the licensed mental health therapist could do a mental health evaluation but a psychological evaluation must be completed by a licensed Psychologist.

Ms. Taxin commented that her intention was to discuss the issue and educate the Board on the correct language to use for evaluations to be sure mental health therapists are not crossing the line by saying they do psychological evaluations as that would be a violation of the current Law.

**Mr. Workman read a letter from an attorney regarding custody evaluations. He stated that the letter states that an LCSW and MFT are included to conduct Psychological evaluations but the Professional Counselor is not included.**

Ms. Taxin stated that, based on Mr. Workman's letter, it sounds like Professional Counselors cannot conduct Psychological evaluations.

She asked if the Board thought that a combined mental health Boards meeting would be effective for discussing some of these multi disciplinary issues.

Ms. Taxin stated that there was a case where LCSW's were doing the MMPI's and the insurance companies would not pay so the LCSW's were requiring cash. She commented that if the insurance companies are only paying the Psychologist for the evaluation, then why have the client pay cash for an evaluation that will have to be redone.

Ms. Taxin stated that more discussion will take place at the next scheduled meeting.

**Mr. Workman responded that he believes it is up to the Association to make a statement and recommended there be no discussion at the next meeting.**

Request to supervise more than 3

Ms. Taxin read a request from Thomas Wadleigh regarding permission to supervise more than 3 interns. She explained that Mr. Wadleigh's position and duties are to supervise.

**The Board requested the Division contact Mr. Wadleigh to be sure it is not 18 clinical interns. The Board stated that if there are 8 students in their practicum or internship and the other 10 are CPCI's then approve the request.**

2007 Board Meeting Schedule

**The Board noted the following dates for the 2007 Board meeting schedule: March 19, May 22, July 17, September 18 and November 6, 2007.**

**NEXT MEETING SCHEDULED FOR:**

March 19, 2007

**MEETING ADJOURNED AT:**

2:24 P.M.

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Date Approved

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Chairperson, Utah Professional Counselor Licensing Board

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Date Approved

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Bureau Manager, Division of Occupational & Professional Licensing